

REMARKS

With the entry of the present amendments, claims 1, 3 – 21, 33 and 55 – 72 are pending in the application. New claims 55 – 72 have been added. Support for the new claims may be found throughout the application as filed including but not limited to:

Claims 55 – 62: Claim 1 as originally filed and paragraph 51.

Claims 63 – 72: Paragraphs 143 – 154.

I. REJECTION OF CLAIMS 52 AND 53 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

In the Office Action, claims 52 and 53 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Although applicants respectfully disagree with the examiner's rejection of claims 52 and 53, these claims have been cancelled in order to expedite the prosecution of this application. Therefore, this rejection has been rendered moot and applicants respectfully request that it be withdrawn.

II. REJECTION OF CLAIMS 39 – 45, 52 AND 53 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

In the Office Action, claims 39 – 45 were rejected under 35 U.S.C. § 112, first paragraph, as drawn to new matter. Although applicants respectfully disagree with the rejection of these claims, claims 39 – 45 have been cancelled in order to expedite the prosecution of the application. Therefore, this rejection has been rendered moot and applicants respectfully request that it be withdrawn.

Claims 52 and 53 were rejected in the Office Action as drawn to inadequate written description. In support of this rejection, the examiner stated:

The genus of conservative variants is itself highly variant because the genus tolerates numerous structural differences from the disclosed SEQ ID NO: 1 – 23 and 26 – 31 as well as differences in function from SEQ ID NO: 1 – 23 and 26 – 31. It is noted that the

limitation of not decreasing the biological activity relative to a non-conservative substitution does not describe the function of polypeptides encompassed by the claims because particular biological activities of each of SEQ ID NO: 1 – 23 and 26 – 31, apart from the simple binding to cells, have not been disclosed.

Although applicants respectfully disagree with the examiner's rejection, claims 52 and 53 have been cancelled in order to expedite the prosecution of the application, thereby rendering this rejection moot. For this reason applicants respectfully request that this rejection be withdrawn.

With regard to new independent claim 55 and claims 56 – 72 which depend therefrom, applicants note that the polypeptide sequences in these claims are limited to specific polypeptide sequences having one conservative amino acid substitution. In light of this limitation, the claimed genus of conservative variance now tolerates only a very limited number of structural differences from the disclosed SEQ ID NOS: 1 – 23 and 26 – 31. Regarding new claims 63 – 72, applicants further note that the polypeptide sequences recited in these claims have functions which are described by the particular binding activities recited in each of the claims. Therefore, applicants respectfully submit that the inadequate written description rejection of claims 52 and 53 in the Office Action is inapplicable to new claims 55 – 72.

III. REJECTION OF CLAIMS 52 AND 53 UNDER 35 U.S.C. § 102(b)

In the Office Action, claims 52 and 53 were rejected under 35 U.S.C. § 102(b) as being anticipated by multiple references from Database Caplus on STN. Applicants have cancelled claims 52 and 53, rendering this rejection moot. Therefore, applicants respectfully request that this rejection be withdrawn.

IV. REJECTION OF CLAIMS 39 – 43 AND 45 UNDER 35 U.S.C. § 102(b)

In the Office Action, claims 39 – 43 and 45 were rejected under 35 U.S.C. § 102(b) as anticipated by PCT patent application publication No. WO 94/18345.

Applicants have cancelled claims 39 – 43 and 45, rendering this rejection moot.
Therefore, applicants respectfully request that this rejection be withdrawn.

V. ALLOWABLE SUBJECT MATTER

Applicants thank Examiner Canella for her telephone call of July 19, 2005, in which she acknowledged that, contrary to the statement in the present Office Action Summary, claims 1, 3 – 21 and 33 have been allowed.

In view of the foregoing remarks, applicants respectfully submit that all of the claims remaining in the application are in condition for allowance and favorable action thereon is respectfully solicited.

Respectfully submitted,

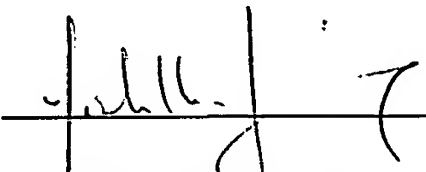
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